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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,387	11/20/2003	Eldad Zeira	I-2-0422.1US	9731

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VOLPE AND KOENIG, P.C.
DEPT. ICC
UNITED PLAZA, SUITE 1600
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103

EXAMINER

CHO, UN C

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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06/15/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/718,387	ZEIRA ET AL.	
	Examiner	Art Unit	
	Un C. Cho	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 11/20/2003, 5/12/2004 and 4/24/2006 have been placed in record and considered by the examiner.

Drawings

2. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 – 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Voyer (US 6,957,070 B2).

Regarding claim 1, Voyer discloses a first communication station transmitting a first signal having a transmission power level in a first time slot (the mobile terminal transmits the result of the interference level to the base station; Voyer: Col. 2, lines 24 – 26); a second communication station receiving the first communication and measuring a plurality of signal quality parameters of the first communication (Voyer: Col. 2, lines 27 – 28); determining a slot assignment rank for the first communication station based on the plurality of signal quality parameters (choosing the time slot having the lowest level of interference; Voyer: Col. 2, lines 28 – 31); and assigning a second time slot to the first communication station for subsequent communications (Voyer: Col. 2, lines 31 – 35).

Regarding claim 2, Voyer discloses wherein the plurality of signal quality parameters include at least one of the following values: a weighted signal interference information value, a weighted code usage estimation value and a weighted fading loss estimation value (interference level value; Voyer: Col. 2, lines 27 – 28).

Regarding claim 3, Voyer discloses prioritizing a plurality of wireless transmit/receive units (WTRUs) currently communicating via a communication network (indexing); and assigning each of said plurality of WTRUs a slot assignment based upon the slot assignment rank (Voyer: Col. 2, lines 39 – 47).

Regarding claim 4, Voyer discloses wherein the first communication station is a base station and the second communication station is a wireless transmit/receive unit (WTRU) (Voyer: Col. 2, lines 21 – 26).

Regarding claim 5, Voyer discloses wherein the first communication station is a wireless transmit/receive unit (WTRU) and the second communication station is a base station (Voyer: Col. 2, lines 21 – 26).

Regarding claim 6, Voyer discloses wherein the plurality of signal quality parameters include at least one of the following values: a block error rate (BLER) value and a signal to interference ratio (SIR) value (interference level measurement; Voyer: Col. 2, lines 25 – 28).

Regarding claim 7, Voyer discloses a first communication station transmitting a first signal having a transmission power level in a first time slot (the mobile terminal transmits the result of the interference level to the base station; Voyer: Col. 2, lines 24 – 26); a second communication station receiving the first communication and measuring a plurality of signal quality parameters of the first communication, the parameters including at least one of a block error rate value and a signal to interference ratio value (interference level value; Voyer: Col. 2, lines 27 – 28); determining a slot assignment rank for the first communication station based on the parameters (choosing the time slot having the lowest level of interference; Voyer: Col. 2, lines 28 – 31); and assigning a second time slot to the first communication station for subsequent communications (Voyer: Col. 2, lines 31 – 35).

Regarding claims 8 and 12, the claims are interpreted and rejected for the same reason as set forth in claim 3.

Regarding claims 9 and 13, the claims are interpreted and rejected for the same reason as set forth in claim 4.

Regarding claims 10 and 14, the claims are interpreted and rejected for the same reason as set forth in claim 5.

Regarding claims 11, 15 – 23, the claims are interpreted and rejected for the same reason as set forth in claim 1.

Conclusion

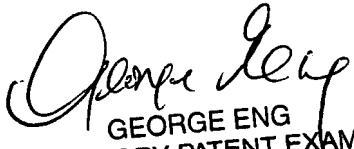
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Un C. Cho whose telephone number is (571) 272-7919. The examiner can normally be reached on M ~ F 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Un C Cho
Examiner
Art Unit 2617

6/11/07 *UC*


GEORGE ENG
SUPERVISORY PATENT EXAMINER